

To	<p>Ms Nonkosi Queenie Mvana</p> <p>Chairperson</p> <p>Portfolio Committee on Social Development</p> <p>nqmvana@gmail.com</p>
Cc	<p>Ms Lindiwe Ntsabo</p> <p>Secretary</p> <p>Portfolio Committee on Social Development</p> <p>lntsabo@parliament.gov.za</p>
Cc	<p>Ms Gail Davids</p> <p>Director</p> <p>Western Cape Forum for Intellectual Disability</p> <p>director@wcfid.co.za</p>
Contact person	<p>Vanessa Japtha</p> <p>Advocacy Manager</p> <p>Western Cape Forum for Intellectual Disability</p> <p>advocacy@wcfid.co.za</p>

17 April 2024

SUBMISSION TO THE PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT BY THE WESTERN CAPE FORUM FOR INTELLECTUAL DISABILITY: THE TABLING OF THE DISABILITY RIGHTS BILL BEFORE THE END OF THE SIXTH ADMINISTRATION

Background

1. The Western Cape Forum for Intellectual Disability ('WCFID' or 'the Forum') is a membership-based NGO that provides a support network for persons in the intellectual disability community. www.wcfid.co.za
2. Members include Disability NPOs incl. special care centres; individuals, schools, teachers, health and social work professionals, academics, researchers) www.wcfid.co.za
3. WCFID focuses on training, resource development and advocacy on intellectual disability.

A SUPPORT NETWORK FOR TRAINING - ADVOCACY - RESOURCES



021 510 4686



www.wcfid.co.za



www.facebook.com/wcfid



https://x.com/WCFID_ZA

ASAT HOUSE, Alexandra Hospital, 8 Annex Road, Maitland 7405 PO Box 142, Maitland 7404

Reg. No: 000-888 NPO PBO No: 18/11/13/2392 VAT No: 4100 211772

est. 1971

4. This submission is in part prompted by the [commitment](#) the Department of Women, Youth and Persons with disabilities made in the [meeting](#) of the Portfolio Committee on Social Development (01 March 2023):

The Department's work was proving to be limited due to the lack of disability legislation to assist it in enforcing requirements in instances of non-compliance. In line with the United Nations Convention on the Rights of Persons with Disabilities, the Department embarked on a process towards developing a Disability Rights Bill. The process was underway, in collaboration with the South African Law Reform Commission. At this stage, the discussion paper was in the process of publication. **The intention was to ensure a Disability Rights Bill was tabled before Parliament, before the end of this sixth administration.**

5. WCFID notes with concern that the referenced 'Disability Rights Bill' does not appear to be scheduled for tabling before Parliament before the 28 May (end of the sixth administration).
6. This submission focuses on the urgency for tabling of the Disability Rights Bill to accelerate access to equitable, inclusive, quality education for children with severe to profound intellectual disability to address the violation of their immediate and positive Constitutional, legal, and jurisprudential right to education.
7. Any delay in tabling the Disability Rights Bill before Parliament perpetuates and entrenches the exclusion of children with severe to profound intellectual disability.
8. Although WCFID focuses on intellectual disability, the Committee could apply the substance of this submission to children, with a diverse array of disabilities, who are similarly excluded.

Discrimination against children with severe to profound intellectual disability

9. The Department of Basic Education (DBE) excludes an estimated 200 000 - 597 953¹ learners with disabilities from the public school system (DBE 2016). The Western Cape Forum for Intellectual Disability (WCFID) represents special care centres that accommodate some of these marginalised learners who have severe to profound intellectual disability (SPID)ⁱ.
10. Learners with SPID generally have an IQ below 34 and associated impairments of adaptive functioning. Many learners with SPID have additional disabilities and are considered to have multiple and complex disabilities.
11. Special care centres are registered with DBE on the DBE South African Schools Management System (SA-SAMS). (Portfolio Committee meeting, 30 October 2019)
12. Children with severe to profound intellectual disability are systemically excluded from public schools in violation of:
 - 12.1. The Constitution of South Africa² [Section 29] ('the Constitution')

Education

29. (1) Everyone has the right—

(a) to a basic education, including adult basic education; and

¹ <https://static.pmg.org.za/160308overview.pdf>

² <https://www.justice.gov.za/legislation/constitution/pdf.html>

12.2. The South African Schools Act³ [Chapter 2] ('SASA')

Compulsory attendance

- 3 (2) The Minister must, by notice in the Government Gazette, determine the ages of compulsory attendance at school for learners with special education needs.
- (3) Every Member of the Executive Council must ensure that there are enough school places so that every child who lives in his or her province can attend school as required by subsections (1) and (2).

Admission to public schools

- 5 (1) A public school must admit learners and serve their educational requirements without unfairly discriminating in any way

12.3. The Promotion of Equality and Prevention of Unfair Discrimination Act⁴ [Chapter 2] ('PEPUDA'), etc.

Prevention, Prohibition and Elimination of Unfair Discrimination, Hate Speech and Harassment

Prohibition of Unfair Discrimination on Ground of Disability

9. Subject to section 6, no person may unfairly discriminate against any person on the ground of disability, including—
- (a) Denying or removing from any person who has a disability, any supporting or enabling facility necessary for their functioning in society; [...]
 - (c) Failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.

13. In [WCFID](#) the Western Cape High Court clarified that although children with SPID are excluded from White Paper 6 on Inclusive Education and authorised under the National Education Policy Act, this does not justify the discrimination against children with SPID. The education minister and DBE are required to adhere to the:

*'directive principles ... [as] set out in s 4 of NEPA which provide for the **education system to contribute to the full personal development of each student; to the moral, social, cultural, political and economic development of the nation at large; to achieving equitable education opportunities and the redress of past inequalities in education provision; endeavouring to ensure that no person is denied the opportunity to receive an education to the maximum of his or her ability as a result of physical disability; to recognising the aptitudes, abilities, interests, prior knowledge and experience of students; and achieving a cost-effective use of education resources and sustainable implementation of education services.'***

14. In [Juma Musjid](#) the Constitutional Court clarified that the right to basic education may not be limited by 'available resources':

*Unlike some of the other socio-economic rights,³⁶ this right is immediately realisable. **There is no internal limitation requiring that the right be "progressively realised" within "available resources" subject to "reasonable legislative***

³ https://www.gov.za/sites/default/files/gcis_document/201409/act84of1996.pdf

⁴ <https://www.justice.gov.za/legislation/acts/2000-004.pdf>

measures". The right to a basic education in section 29(1)(a) may be limited only in terms of a law of general application which is "reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom".³⁷ This right is therefore distinct from the right to "further education" provided for in section 29(1)(b). The state is, in terms of that right, obliged, through reasonable measures, to make further education "progressively available and accessible."

15. The department [of Basic Education] derives its mandate from the:

15.1. [National Education Policy Act of 1996 \(NEPA\)](#) which:

provides the directive principles for the education system to contribute to the full personal development of each student; to the moral, social, cultural, political and economic development of the nation at large; to achieving equitable education opportunities and the redress of past inequalities in education provision; endeavouring to ensure that no person is denied the opportunity to receive an education to the maximum of his or her ability as a result of physical disability; to recognising the aptitudes, abilities, interests, prior knowledge and experience of students; and achieving a cost-effective use of education resources and sustainable implementation of education services. ([Case18678/2007](#))

15.2. [South African Schools Act of 1996](#), which:

promotes access to education, promotes quality and democratic governance in the schooling system, and makes schooling compulsory for children aged seven to 15 to ensure that all learners have access to quality education without discrimination.⁵

16. The courts have further clarified the components of basic education for which DBE is responsible:

16.1. Infrastructure ([Case no: 276/2016](#))

16.2. Staff remuneration/salaries (teaching and non-teaching staff) ([Case No. 1749/2012](#))

16.3. Learner transport ([Case No: 1830/2015](#))

17. WCFID successfully applied to the court for relief for children with SPID who attend special care centres because they are systemically excluded from public schools.

Judgment and structural interdict on the education rights of children with severe to profound intellectual disability

18. After 13 years of unsuccessful advocacy, WCFID lodged an application in the High Court of the Western Cape in 2007 ([Case18678/2007](#)) to secure the Constitutional right to education of children with severe to profound intellectual disability who are not generally admitted to public schools. These children attend special care centres (NGOs). The respondents were the Government of South Africa (including the Department of Basic Education and National Treasury), and the Government of the Western Cape.

19. The High Court made the following findings (2010):

[52] In the circumstances I conclude that the applicant is entitled to the relief sought and accordingly make the following orders:

⁵ <https://www.gov.za/about-sa/education>

1) It is declared that **the respondents have failed to take reasonable measures to make provision for the educational needs of severely and profoundly intellectually disabled children in the Western Cape, in breach of the rights of those children to:**

1.1 a basic education

1.2 protection from neglect or degradation

1.3 equality

1.4 human dignity

20. The High Court of the Western Cape made the following order:

[52] In the circumstances I conclude that the applicant is entitled to the relief sought and accordingly make the following orders:

[...] 2) The respondents are directed forthwith to take reasonable measures (including interim steps) in order to give effect to the said rights of severely and profoundly intellectually disabled children in the Western Cape, including (but not limited to):

2.1 ensuring that every child in the Western Cape who is severely and profoundly intellectually disabled has affordable access to a basic education of an adequate quality;

2.2 providing adequate funds to organizations which provide education for severely and profoundly intellectually disabled children in the Western Cape at special care centres, such as to enable them to:

2.2.1 have the use of adequate facilities for this purpose;

2.2.2 hire adequate staff for this purpose;

2.3 providing appropriate transport for the children to and from such special care centres;

2.4 enabling the staff of such special care centres to receive proper accreditation, training and remuneration; and

2.5 making provision for the training of persons to provide education for children who are severely and profoundly intellectually disabled.

Basic Education Minister: [A response to the court order](#): The conditional grant for learners with SPID

21. The Minister of Basic Education reported to Parliament (31 August 2017 - NW2247) that Treasury had provided a conditional MTEF grant of R477m (2017) **in response to a court order** (Case No 18678/2007). The Minister provided a framework for the distribution of the grant:

(1) (b) Provinces will distribute the grant in accordance with the following guidelines as stipulated in the Grant Framework:

- 13% for training of teachers and the 31 Outreach Teams;
- 11% for Learning and Teaching Support Materials, toolkits and equipment for centres and designated schools;
- 56% for compensation of itinerant teams and provincial co-ordinators; as well as
- 20% for administration including travel, vehicles, accommodation and subsistence.

(2) (a) The Grant will be used to benefit learners in the following ways:

- To provide therapeutic and psycho-social intervention to learners and their families in targeted 186 schools and 280 care centres by appointing and training 155 specialised staff, who will provide the therapeutic intervention and procuring equipment as well as learning teaching support materials (LTSM) to be used by the staff;
 - To track, provide learner-specific support and follow up on their progress by creating a comprehensive and reliable database of learners in the targeted schools and care centres;
 - To provide quality education and support to learners by further developing the professional capacity, knowledge and skills of caregivers and teachers in the 280 care centres, 186 schools;
 - To facilitate learners' access to various government services and other intervention programmes through working collaboratively with other government departments and non-governmental organisations (NGO); and
 - To advocate for learners' rights to access public-funded quality education through documenting and reporting on the Grant's achievements.
 - ...
 - To provide caregivers in 280 targeted care centres an opportunity to acquire a Level 5 qualification, which is currently being developed by the DBE in collaboration with the University of Cape Town.
- <https://pmg.org.za/committee-question/6474/>

National Government's (first respondent) response to court order [Case18678/2007](#)

22. The Department of Basic Education and National Treasury (as first respondents) [responded](#) to the court order via a [conditional grant](#).
23. The current [Division of Revenue Amendment Bill B2 – 2023](#) (DORB B – 2023) stipulates the following allocations for provincial education departments:
- 9 per cent for the training of caregivers
 - 17 per cent for assistive devices, storage containers and top-up learning and teaching support materials (LTSM), LTSM and classroom furniture and equipment for newly on-boarded special care centres and designated schools for the benefit of learners with severe to profound intellectual disabilities from special care centres.
 - 65 per cent for compensation of transversal itinerant outreach team members and provincial grant managers
 - 9 per cent for administration including travel, vehicles, accommodation and subsistence.
24. The conditional grant in its current form cannot qualify as:
- 24.1. An adequate response to the structural order in [Case18678/2007](#). The conditional grant fails to make provision for components of DBE's legal mandate:
- Infrastructure ([Case no: 276/2016](#))
 - Staff remuneration/salaries (teaching and non-teaching staff) ([Case No. 1749/2012](#))
 - Learner transport ([Case No: 1830/2015](#))
 - Training and accreditation for appropriate remuneration (Basic Education Minister's [written reply](#) to parliament)

24.2. Equitable access to quality education for children with SPID at special care centres.

25. WCFID has concerns about the effective implementation of the conditional grant, including that:

25.1. WCFID has no evidence of the implementation of the commitment by the Minister of Basic Education, in a [written reply to parliament](#), that the grant will be used:

‘To provide caregivers in 280 targeted care centres an opportunity to acquire a **Level 5 qualification, which is currently being developed by the DBE in collaboration with the University of Cape Town.**’

25.2. The [Division of Revenue Amendment Bill B2 – 2023](#) (DORB B – 2023) stipulates that:

‘**Outreach team members** must be appointed as part of the district-based support team and be based at the district, circuit or school level, in order to ensure integration of the services they provide into district plans and efficiency **when they** facilitate and support the implementation of the learning programme and **provide psycho-social and other therapeutic support to learners enrolled in special care centres** and targeted schools.’

However, our members in the Western Cape, with few exceptions, report that the outreach teams seldom/never provide direct therapeutic services to children.

25.3. The [Division of Revenue Amendment Bill B2 – 2023](#) (DORB B – 2023) describes the strategic goal of the conditional grant as:

‘To ensure that learners with severe to profound intellectual disabilities access quality, publicly funded education and support.’

However, WCFID members report that outreach teams visit their centres for **six to ten (6 – 10) hours per term**. This cannot qualify as ‘quality education’.

26. DBE has provided a variety of reasons for not funding centres, inter alia:

26.1. The Public Finance Management Act (PFMA) prohibits the funding of NGOs such as special care centres; current legislation is a barrier to funding special care centres. DBE committed to amending these regulations to enable the funding of special care centres. WCFID does not have access to evidence that DBE has amended these regulations. ([DBE roundtable, 2018](#))

26.2. [The South African Schools Act does not permit the funding](#) of special care centres. ([Portfolio Committee on Basic Education meeting](#), 30 October 2019)

26.3. [DBE does not have enabling legislation](#) for the funding of special care centres. ([Portfolio Committee on Basic Education meeting](#), 17 November 2020)

Legislation for the right to basic education for children with disabilities

27. **DBE has had over 20 years** since it gazetted *White Paper 6 on Special Needs Education: Building an inclusive education and training system*⁶, to remedy the systemic violation of the right to education for children with disabilities by promulgating legislation to promote inclusive education and education for children with disabilities. As the Finance and Fiscal Commission notes:

⁶ https://www.gov.za/sites/default/files/gcis_document/201409/educ61.pdf

Generally, **the policy process is complete once a policy is translated into legislation** and the relevant department then drafts various guidelines/regulations to give further effect to legislation. DBE has published a series of guidelines, policies and manuals to facilitate and promote the implementation of the white paper (**Figure 1 zero regulations for inclusive education and education for children with disabilities**). However, **a vital step is missing in the policy process which is the translation of policy into legislation**. This then renders the various departmental “regulations” as mere guidelines without legal force.⁷ (Finance and Fiscal Commission (FFC): Technical Report. 2021 – 2022)

*Financial and Fiscal Commission:
Technical Report for the Division of Revenue, 2021/22*

Table 35: Overview of policy, legislation and departmental regulations guiding the delivery of social welfare services

Broad statement of government policy	Legislation	Departmental regulations or service standards
White Paper 6 on special needs education: Building an inclusive education and training system (2001)		<ul style="list-style-type: none"> • Draft national guidelines for resourcing an inclusive education system (2018) • Draft national norms and standards for resource distribution for an inclusive education system (2015) • Guidelines for special schools (2014) • Policy on screening, identification, assessment and support (SIAS) (2014) • The South African sign language: home language curriculum and assessment policy statement (SASL HL CAPS) for Grades R-12 (2014) • Guidelines for responding to learner diversity in the classroom through curriculum and assessment policy statements. • National curriculum statement (NCS). • Curriculum assessment policy statement (CAPS) Grades R – 12 (2011) • Guidelines for full service/inclusive schools (2010) • Guidelines for inclusive teaching and learning. • Education White Paper 6: Special needs education (2010) • Guidelines to ensure quality education and support in special schools and special school resource centres (2007) • Guidelines for district based support teams (2005) • Guidelines for inclusive learning programmes (2005) • Special schools as resource centres (2005)

Figure 1 zero regulations for inclusive education and education for children with disabilities

28. The Forum supports the Finance and Fiscal Commission’s conclusion about the lack of legislation and funding for inclusive education:

Twenty-six years into democracy, special needs education remains a significant challenge in South Africa. Many of the primary research findings relate to contextual and systemic issues which have influenced **how inclusive**

⁷ https://www.ffc.co.za/files/ugd/b8806a_21c7041f53844443a8e7e592952fd40f.pdf

⁸ https://www.ffc.co.za/files/ugd/b8806a_21c7041f53844443a8e7e592952fd40f.pdf

education has been legislated, funded and implemented in South Africa. These overall systemic challenges relating to policy development and implementation, **funding** and data greatly influence the inclusive education landscape, and feed into the issues relating directly to the main research questions.⁹

29. The Forum concurs with the Commission's recommendation:

5.1.1 Implementation plan

Alongside finalising legislation to underpin the roll-out of inclusive education, the DBE should take the lead in developing a public sector detailed, time-bound and **costed implementation plan** that promotes awareness of what inclusive education entails.¹⁰

30. The Forum reiterates the position of the Equal Education Law Centre:

In the education sector, there has been a failure to comprehensively regulate inclusive education through binding legislation. This has resulted in the resourcing and provisioning of inclusive education going unchecked, unprioritised and unfunded.

31. The Forum therefore made the following recommendations to the South African Law Reform Commission on the domestication of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) [via a Disability Rights Bill]:

The Forum supports disability-specific regulations that are framed around the White Paper on the Rights of Persons with Disabilities (2015), taking into account the gaps, contradictions and inconsistencies in current law. The Act and associated regulations would have to comprehensively:

- Cover all disability-related Constitutional rights: equality and no unfair discrimination (section 9), dignity (section 10), and all relevant further rights in the Bill of Rights (sections 10 – 35)
- Give effect to the Constitutional rights of persons with disabilities to equality and no unfair discrimination, dignity, and all the relevant further rights in the Bill of Rights, focusing on their influence on disability rights.
- Amend existing legislation to delete provisions that are unfair barriers / unfairly discriminate on the ground of disability, and to enact new provisions aligned to the CRPD and Constitutional obligations.
- In addition, these regulations should include:
 - provisions for the Constitutional right to education for children with disabilities within, and outside of, public schools
 - provisions for the accelerated placement of children with disabilities in public schools (South African Schools Act¹¹)
 - provisions for the education of children with disabilities at special care centres (NGOs), because they are refused admission at public schools.
 - provisions that clearly define the legal mandate and primary role of the Department of Basic Education and provincial education departments to provide education, and its components, to learners with disabilities, and the supportive role of other departments according to their legal mandates.
 - provisions that regulate and define the department and/or entity responsible for the planning, coordination, integration and monitoring of the Department of Basic Education and other government departments in provision of education to children with disabilities, both within and outside of public and independent schools.
 - provisions that address and clarify the concurrent functions of the national and provincial education departments in the implementation of their mandate.

⁹ https://www.ffc.co.za/files/ugd/b8806a_21c7041f53844443a8e7e592952fd40f.pdf

¹⁰ https://www.ffc.co.za/files/ugd/b8806a_21c7041f53844443a8e7e592952fd40f.pdf

¹¹ https://www.gov.za/sites/default/files/gcis_document/201409/act84of1996.pdf

- provisions for the regulating, funding and resourcing of special care centres to provide education of an adequate quality for children with disabilities (including, regulations for funds for the hiring of adequate staff and infrastructure; provision of safe, appropriate, accessible learner transport; training and accreditation of staff at special care centres)
- the amendment of the DBE and PED's finance regulations that currently prohibit the funding of NGOs.
- the revision and amendment of, *inter alia*,
 - the Personnel Administrative Measure (PAM)¹², to include class assistants or carers at special care centres.
 - the Norms and Standards for School Funding¹³ to include funding for special care centres.
 - provisions for the transition of children from special care centres to public schools and the concurrent funding, resourcing, and support for special care centres to fulfil their right to education of an adequate quality, during the transition process.
 - provisions for the regulations; registration; licencing; monitoring and resourcing of special care centres as primarily centres of learning, education, and development for children with disabilities

Conclusion

32. This submission is in part prompted by the [commitment](#) the Department of Women, Youth and Persons with disabilities made in the [meeting](#) of the Portfolio Committee on Social Development (01 March 2023):

The Department's work was proving to be limited due to the lack of disability legislation to assist it in enforcing requirements in instances of non-compliance. In line with the United Nations Convention on the Rights of Persons with Disabilities, the Department embarked on a process towards developing a Disability Rights Bill. The process was underway, in collaboration with the South African Law Reform Commission. At this stage, the discussion paper was in the process of publication. **The intention was to ensure a Disability Rights Bill was tabled before Parliament, before the end of this sixth administration.**

33. The impact of the lack of disability legislation extends beyond the Department's ability to enforce compliance. It also compromises, *inter alia*, the right to basic education of children with disabilities.

34. The Department of Basic Education (DBE) excludes an estimated 200 000 - 597 953¹⁴ learners with disabilities from the public school system (DBE 2016).

35. The Western Cape Forum for Intellectual Disability (WCFID) represents special care centres (NGOs) that accommodate some of these marginalised learners who have severe to profound intellectual disability (SPID)ⁱⁱ.

36. Children with severe to profound intellectual disability (SPID) who attend special care centres face compounded violation of their education rights due to:

36.1. The Department of Basic Education's (DBE) and provincial educations departments' (PED) disregard of their Constitutional. Legal and jurisprudential mandate to provide basic education, including its components, to all children in South Africa

¹² https://www.gov.za/sites/default/files/gcis_document/201602/39684gon170.pdf

¹³ https://www.gov.za/sites/default/files/gcis_document/201409/29179.pdf

¹⁴ <https://static.pmg.org.za/160308overview.pdf>

- 36.2. The inadequate and severely limited conditional grant for the education of learners with severe to profound intellectual disability, which the Basic Education Minister purports¹⁵, is 'a response to the Forum's court order (Case no: 18678/2007)¹⁶.
37. [DBE itself acknowledges that it does not have enabling legislation](#) for the funding of special care centres. ([Portfolio Committee on Basic Education meeting](#), 17 November 2020)
38. The Western Cape Forum for Intellectual Disability calls for legislation that will:
- 38.1. Compel the Department of Basic Education and provincial education departments to:
- Admit learners with disabilities at public schools without exception based on disability; resources; etc.
 - Fund and resource inclusive education adequately and appropriately.
 - Fund and resource organisations such as special care centres that are in fact doing the work that the Constitution and the South African Schools Act¹⁷ demand, as described in the Implementation Matrix, White Paper on the Rights of Persons with Disabilities¹⁸, until these learners are admitted at public schools. The funding and resource allocation should ensure learners access appropriate education of adequate quality, including all components of education. (Case no: 18678/2007)¹⁹ The legislation should require that the national and provincial education departments conclude Memoranda of Understanding/Agreement in consultation with stakeholders.
 - Use internationally accepted definitions of severe to profound intellectual disability (ICF²⁰ and DSM5²¹)
- 38.2. Compel the Government of South and provincial governments to revise and/or promulgate legislation to ensure that:
- Data tools and collection, analysis, and reports on children with disabilities will be improved to address the paucity of reliable data on children with disabilities in South Africa
 - The implementation of the rights of children with disabilities will be coordinated and integrated using streamlined processes and shared inter-governmental databases and/or information systems.
 - Government departments will act in the best interest of the child and will view children with disabilities as children, and not patients or beneficiaries of charitable care and protection.
39. WCFID calls on the Portfolio Committee of Social Development to urgently address the tabling of the Disability Rights Bill before Parliament before the end of the sixth administration to ensure that no one is left behind.

WCFID appreciates this opportunity to share its concerns and recommendations with the Portfolio Committee on Social Development. WCFID is available for further engagement with Committee. Several WCFID [submissions](#) on this matter can be found on its [website](#).

¹⁵ <https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fpimg-assets.s3-website-eu-west-1.amazonaws.com%2FRNW2247-170831.docx>

¹⁶ <http://www.saflii.info/za/cases/ZAWCHC/2010/544.html>

¹⁷ https://www.gov.za/sites/default/files/gcis_document/201409/act84of1996.pdf

¹⁸ https://www.gov.za/sites/default/files/gcis_document/201603/39792gon230.pdf

¹⁹ <http://www.saflii.info/za/cases/ZAWCHC/2010/544.html>

²⁰ <https://www.who.int/standards/classifications/international-classification-of-functioning-disability-and-health>

²¹ https://www.psychiatry.org/.../Practice/DSM/APA_DSM-5-Intellectual-Disability.pdf

